

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MELISSA MARTIN

Plaintiff,

v.

STATESIDE ASSOCIATES, INC.,

Defendant.

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Case No. 1:23-cv-1076

**DEFENDANT’S RESPONSE TO PLAINTIFF’S NOTICE OF SUPPLEMENTAL
AUTHORITY**

The supplemental authority that Plaintiff asks this Court to consider, *Muldrow v. City of St. Louis, Missouri*, 144 S. Ct. 967, 2024 U.S. LEXIS 1816 (Apr. 17, 2024), is irrelevant to Plaintiff’s constructive discharge claim (Count VIII). Plaintiff conceded this in her since-withdrawn Motion for Leave to Amend Plaintiff’s Memorandum in Opposition to Defendant’s Partial Motion to Dismiss Amended Complaint (ECF 29), stating that “[w]hile the *Muldrow* decision does not directly address a constructive discharge, *Muldrow* is relevant to Count VIII and other claims asserted in the Amended Complaint.” ECF 29 at p. 1, ¶ 4 (emphasis added). But Plaintiff has already stipulated to the dismissal of Counts IV, V, VI in their entirety, and to the partial dismissal of Counts VII and VIII to the extent the allegations in those Counts rely on the Age Discrimination in Employment Act, *see* ECF 27, p. 2, thus the case has no relevance to the remaining issues in Defendant’s Partial Motion to Dismiss.

Dated: May 16, 2024

Respectfully submitted,

SHULMAN ROGERS, P.A.

By: /s/ Joy C. Einstein

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Counsel for Stateside Associates, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2024, I served via ECF a copy of the foregoing Response to Plaintiff's Notice of Supplemental Authority via the court's CM/ECF system upon all parties of record.

/s/ Joy C. Einstein

Joy C. Einstein